

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAMES MENEFEE, individually and on
behalf of all others similarly situated

Plaintiff,

vs.

MUDTECH SERVICES, L.P.

Defendant.

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NO. 4:14-cv-02314

DEFENDANT MUDTECH SERVICES, LP'S PRETRIAL DISCLOSURES

Defendant MudTech Services, L.P. (MudTech) provides the following Pretrial Disclosures as required by Rule 26(a)(3) of the Federal Rules of Civil Procedure, as follows:

- A. The name and, if not previously provided, the address and telephone number of each witness – separately identifying those the party expects to present and those it may call if the need arises.

RESPONSE:

- | | | |
|----------------------|-----------------------|------------------------|
| 1. William Stavinoha | 13. Ubaldo Fernandez | 34. Kevan McLaughlin |
| 2. Jerry Hancock | 14. Richard Gil | 35. Isaac McZeal |
| 3. Douglas McFarland | 15. Justin Gordon | 36. James Menefee |
| 4. Sarah Terranova | 16. Dwayne Hebert | 37. Steven Oliver |
| 5. Sandra Casey | 17. Norman Hebert | 38. Nathan Plankenhorn |
| 6. Randy Benzon | 18. Jonathon Holloway | 39. Bobby Roszell |
| 7. Theodore Birkliid | 19. Jason Kavarie | 40. Aaron Stewart |
| 8. Joshua Box | 20. Damon King | 41. Travis Trahan |
| 9. Eugene Broussard | 30. Stephen LaFosse | 42. Juan Villareal |

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|---------------------|-----------------------|----------------------|
| 10. Tony Cox | 31. Byron Lopez | 43. Derrick Williams |
| 11. Jeffery Edwards | 32. Jonathan Lopez | 44. Calum Lee Wolfe |
| 12. Steve Estrada | 33. Leo Paul Malveaux | 45. Mark Wright |

- B. The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

RESPONSE:

MudTech expects to present Roy Keezel's testimony by deposition. To the extent they are unavailable to testify, MudTech expects to present deposition testimony of:

- | | |
|---------------------|-----------------------|
| 1. James Menefee | 8. Leo Malveaux |
| 2. Tony Cox | 9. Theodore Birklid |
| 3. Dwayne Hebert | 10. Travis Trahan |
| 4. Ubaldo Fernandez | 11. Douglas McFarland |
| 5. Derrick Williams | 12. Jerry Hancock |
| 6. Richard Gil | 13. Bill Stavinotha |
| 7. Stephen LaFosse | 14. Leo Malveaux |

- C. An identification of each document or other exhibit, including summaries of other evidence – separately identifying those items the party expects to offer and those it may offer if the need arises.

	Description	Depo Ex.
1.	Transcript of Deposition of James Menefee	
2.	Transcript of Deposition of Tony Cox	
3.	Transcript of Deposition of Dwayne Hebert	
4.	Transcript of Deposition of Ubaldo Fernandez	

	Description	Depo Ex.
5.	Transcript of Deposition of Derrick Williams	
6.	Transcript of Deposition of Richard Gil	
7.	Transcript of Deposition of Stephen LaFosse	
8.	Transcript of Deposition of Leo Malveaux	
9.	Transcript of Deposition of Theodore Birkliid	
10.	Transcript of Deposition of Travis Trahan	
11.	Transcript of Deposition of Douglas McFarland	
12.	Transcript of Deposition of Jerry Hancock	
13.	Transcript of Deposition of Bill Stavinoha	
14.	Transcript of Deposition of Leo Malveaux	
15.	Transcript of Deposition of Roy Keezel	
16.	All tax returns received from Plaintiffs	
17.	All resumes from Plaintiffs	
18.	E-mails between Plaintiffs and MudTech or its Clients	
19.	Plaintiffs' Invoices to MudTech	
20.	Consent to Become a Party Plaintiff	Birkliid 1
21.	Plaintiff Theodore Birkliid's Objections and Answers to Defendant Mudtech Services, L.P.'s First Set of Requests for Production	Birkliid 2
22.	E-mail from Tyler Cherry to Ted Birkliid with attached documents	Birkliid 3
23.	Consultant Agreement	Birkliid 4
24.	Form W-9 (of Theodore Birkliid)	Birkliid 5
25.	E-mail from Tyler Cherry and Ted Birkliid	Birkliid 6
26.	Consultant Information Form	Birkliid 8

	Description	Depo Ex.
27.	Vendor Activities	Birkliid 9
28.	Certifications, driver's license	Birkliid 10
29.	2014 Tax Return (of Theodore Birkliid)	Birkliid 11
30.	Resume (of Theodore Birkliid)	Birkliid 12
31.	Consent to Become a Party Plaintiff	Cox 1
32.	May 16, 2013 e-mail to Bill Stavinoaha, Subject: Resume (MudTech [Menefee] 00003950 - 3953)	Cox 2
33.	May 17, 2013 e-mail from Bill Stavinoaha, Subject: Resume, with attached documents (MudTech [Menefee] 00003910 - 3934)	Cox 3
34.	Personal and Confidential Incorporated/ Entity Consultant Agreement (MudTech [Menefee] 000021 - 24)	Cox 4
35.	W-9, Request for Taxpayer Identification Number and Certification, 5-17-13 (MudTech [Menefee] 000041)	Cox 5
36.	Billing Procedures, 5-17-13 (MudTech [Menefee] 000025)	Cox 6
37.	Texas Department of Insurance, Division of Workers' Compensation, Agreement Between General Contractor and subcontractor to Establish Independent Relationship, 5-17-13 (MudTech [Menefee] 000037)	Cox 7
38.	MudTech Services, Environmental Solutions Group, Marketing Authorization From [sic], 5-17-13 (MudTech [Menefee] 000028)	Cox 8
39.	MudTech Services Consultant Information Form (MudTech [Menefee] 000030 - 33)	Cox 9
40.	Invoices related to Halliburton Mud Plant, 5-22-13 to 5-30-16 (MudTech [Menefee] 00003958 -3962)	Cox 10
41.	Invoices related to Halliburton Mud Plant, 6-2-13 to 6-6-13 (MudTech [Menefee] 00003967 - 3971)	Cox 11
42.	Invoices related to BHP Billiton Rives-Pawelek A1H, 6-7-13 to 6-11-13 (MudTech [Menefee] 00003963 - 3966)	Cox 12
43.	Invoices related to Halliburton Brown Trusts Unit 2-1H, 7-4-13 to	Cox 13

	Description	Depo Ex.
	7-6-13 (MudTech [Menefee] 00003972 - 3974)	
44.	Curriculum Vitae (Cox, T. · 000001 - 4)	Cox 15
45.	2013 Form 1099-MISC (MudTech [Menefee] 00014413)	Cox 16
46.	Consent to Become a Party Plaintiff	Fernandez 52
47.	MudTech Services Consultant Agreement dated August 13, 2012, (MudTech 000075-78)	Fernandez 53
48.	MudTech Services Consultant Agreement dated August 13, 2013, (MudTech 000067-70)	Fernandez 54
49.	MudTech Services Billing Procedures dated August 13, 2012, (MudTech 00008)	Fernandez 55
50.	Form W-9 dated August 13, 2012, (MudTech 000101)	Fernandez 56
51.	MudTech Services Consultant Information Form, (MudTech 000091-92)	Fernandez 57
52.	MudTech Services Consultant Information Page, (MudTech 000079-80)	Fernandez 58
53.	Texas Department of Insurance, Division of Workers' Compensation, Agreement Between General Contractor and Subcontractor to Establish Independent Relationship, (MudTech 000094)	Fernandez 59
54.	Form 1099 for 2012 (of Ubaldo Fernandez, Jr.)	Fernandez 60
55.	Form 1099 for 2013 (of Ubaldo Fernandez, Jr.)	Fernandez 61
56.	Vendor Activities, 17 February 12, 2016, (MudTech [Menefee] 00014411-12)	Fernandez 62
57.	Purchase Invoice dated 8/15/2012, (MudTech [Menefee] 00004150-54)	Fernandez 63
58.	Purchase Invoice dated 5/15/2013, (MudTech [Menefee] 00004164-66)	Fernandez 64
59.	Consent to Become a Party Plaintiff	Gil 1

	Description	Depo Ex.
60.	HSE Rig Pass Orientation card	Gil 2
61.	Photocopy of licenses and Social Security Card (of Richard Gil)	Gil 3
62.	MudTech Services Personal and Confidential Consultant Agreement	Gil 4
63.	Plaintiff Richard Gil's Second Supplemental Objections and Answers to Defendant MudTech Services, L.P.'s First Set of Interrogatories	Gil 5
64.	Contract	Hancock 3
65.	Billing Procedures	Hancock 6
66.	Consultant Agreement	Hancock 10
67.	Consent to Become Party Plaintiff	Hebert 17
68.	Email String	Hebert 18
69.	Email String	Hebert 19
70.	Personal and Confidential Consultant Agreement	Hebert 20
71.	Billing Procedures	Hebert 21
72.	Marketing Authorization Form	Hebert 22
73.	Dwayne Hebert's W-9	Hebert 23
74.	Dwayne Hebert Consulting, LLC W-9	Hebert 24
75.	State of Louisiana Secretary Of State Document	Hebert 25
76.	Consultant Agreement	Hebert 26
77.	Consultant Information Form	Hebert 27
78.	Training Academy Cards	Hebert 28
79.	Contractor Electronic Payment Information	Hebert 29
80.	Consultant Invoice Information	Hebert 30
81.	Consultant Invoice Information	Hebert 31

	Description	Depo Ex.
82.	Email String	Hebert 32
83.	Email String	Hebert 33
84.	Facebook Website	Hebert 34
85.	Facebook Website	Hebert 35
86.	LinkedIn Website	Hebert 36
87.	MudTech Services Personal and Confidential Consultant Agreement	Keezel 2
88.	MudTech Environmental Services Group Consultant Agreement	Keezel 3
89.	MudTech Services Marketing Authorization Form	Keezel 7
90.	Agreement Between General Contractor and Subcontractor to Establish Independent Relationship Agreement signed 4/8/13	Keezel 9
91.	Contractor Electronic Payment Information	Keezel 10
92.	Notice of Consent	LaFosse 1
93.	Consultant Agreement (MudTech 000153 – 156 [Menefee])	LaFosse 2
94.	Marketing Authorization Form (MudTech 000158 [Menefee])	LaFosse 3
95.	Consultant Information Form (MudTech 000161 – 162 [Menefee])	LaFosse 4
96.	Resume of Stephen LaFosse (MudTech 0008645 [Menefee])	LaFosse 5
97.	Plaintiff Stephen LaFosse Sr's First Supplemental Objections and Answers to Defendant MudTech Services LP's First Set of Interrogatories.	LaFosse 6
98.	Consent to Become a Party Plaintiff	Malveaux 1
99.	Plaintiff Leo Malveaux's Objections and Responses to Defendant MudTech Services, L.P.'s First Set of Requests For Production	Malveaux 2
100.	Consultant Information Form (MudTech [Menefee] 000224)	Malveaux 3
101.	Resume (of Leo Malveaux)	Malveaux 4

	Description	Depo Ex.
102.	Consultant Agreement (MudTech [Menefee] 000205-000208)	Malveaux 7
103.	Agreement Between General Contractor and Subcontractor to Establish Independent Relationship (MudTech [Menefee] 000216)	Malveaux 8
104.	Consultant Agreement (MudTech [Menefee] 000226-000227)	Malveaux 9
105.	2013 Form 1099-MISC (MudTech [Menefee] 00014430)	Malveaux 10
106.	2014 Form 1099-MISC (MudTech [Menefee] 00014431)	Malveaux 11
107.	Vendor Activities dated 2/12/16 (MudTech [Menefee] 00014389-00014390)	Malveaux 12
108.	Declaration of Independent Contractor Status Form (MudTech [Menefee] 000219)	Malveaux 13
109.	Form W-9 (MudTech [Menefee] 000214)	Malveaux 14
110.	Marketing Authorization Form dated 7/15/13 (MudTech [Menefee] 000223)	Malveaux 15
111.	Plaintiff Leo Malveaux's First Supplemental Objections and Answers to Defendant MudTech Services, L.P.'s First Set of Interrogatories	Malveaux 16
112.	Plaintiff Leo Malveaux's Objections and Answers to Defendant MudTech Services, L.P.'s First Set of Interrogatories	Malveaux 17
113.	04-30-2007 Personal and Confidential Consultant Agreement (MudTech 000257 - 000260 [Menefee])	Menefee 37
114.	04-30-2007 Personal and Confidential Incorporated/Entity Consultant Agreement (MudTech 000245 - 000248 [Menefee])	Menefee 38
115.	04-30-2007 Personal and Confidential Consultant Agreement (MudTech 000267 - 000270 [Menefee])	Menefee 39
116.	Texas Department of Insurance, Division of Workers' Compensation Agreement Between General Contractor and Subcontractor to Establish Independent Relationship, Notice of Agreement 01/01/2011-12/31/2011 (MudTech 000249 [Menefee])	Menefee 40
117.	Declaration of Independent Contractor Status Form Page 2 of 2	Menefee 41

	Description	Depo Ex.
118.	10-11-2011 Billing Procedures (MudTech 000264 [Menefee])	Menefee 42
119.	10-11-2011 Marketing Authorization Form (MudTech 000261 [Menefee])	Menefee 43
120.	James Menefee resume (MudTech 000254 [Menefee])	Menefee 44
121.	MudTech Services Environmental Solutions Group resume of James Menefee ESG Consultant (MudTech 000252 [Menefee])	Menefee 45
122.	10-11-2012 W-9 of James Menefee (MudTech 000265 [Menefee])	Menefee 46
123.	Consultant Information Form (MudTech 000255 – 000256 [Menefee])	Menefee 47
124.	01-15-2012 Purchase Invoice 011512 (MudTech [Menefee] 00010843 - 00010848)	Menefee 48
125.	01-31-2012 Purchase Invoice 013112 (MudTech [Menefee] 00010850 - 00010858)	Menefee 49
126.	02-15-2012 Purchase Invoice 021512 (MudTech [Menefee] 00010859 - 00010866)	Menefee 50
127.	02-29-2012 Purchase Invoice 022912 (MudTech [Menefee] 00010867 - 00010876)	Menefee 51
128.	Personal and Confidential Consultant Agreement	Stavinoha 1
129.	Personal and Confidential Incorporated/Entity Consultant Agreement	Stavinoha 2
130.	Environmental Services Group Consultant Agreement	Stavinoha 3
131.	MudTech Consultant Information Form	Stavinoha 4
132.	MudTech Services Environmental Solutions Group Marketing Authorization Form	Stavinoha 5
133.	MudTech Services Environmental Solutions Group Motor Vehicle/Consumer Report Authorization Form	Stavinoha 6
134.	Consultant Invoice Information	Stavinoha 8
135.	Collection of invoices	Stavinoha 13

	Description	Depo Ex.
136.	Invoice to Marquis Alliance Energy Group from John Dansby	Stavinoha 14
137.	Purchase Invoice to MudTech Services from John Dansby	Stavinoha 15
138.	Invoice to Environmental Drilling Solutions From John Dansby	Stavinoha 16
139.	Purchase Invoice from Tony Cox to MudTech Services, LP	Stavinoha 17
140.	Invoice to MI Swaco from Ubaldo Fernandez MudTech Services	Stavinoha 21
141.	Notice of Consent	Trahan 1
142.	Plaintiff Travis Trahan's Objections and Answers to Defendant Mudtech Services, L.P.'s First Set of Requests for Production	Trahan 2
143.	Vendor Activities - February 12, 2016	Trahan 3
144.	Consultant Information Form	Trahan 4
145.	E-mails between Tyler Cherry and Travis Trahan	Trahan 5
146.	Consultant Agreement signed 6/3/13 (of Travis Trahan)	Trahan 7
147.	Billing Procedures	Trahan 8
148.	Form W-9 (of Travis Trahan)	Trahan 9
149.	Marketing Authorization Form	Trahan 10
150.	Consultant Agreement signed 6/26/14 (of Travis Trahan)	Trahan 15
151.	Supervisor's First Report of Incident	Trahan 16
152.	2013 Form 1099-MISC (of Travis Trahan)	Trahan 17
153.	2013 1040 tax return(of Travis Trahan)	Trahan 18
154.	2014 Form 1099-MISC (of Travis Trahan)	Trahan 19
155.	2014 1040 tax return (of Travis Trahan)	Trahan 20

Defendant MudTech reserves the right to supplement or amend this list of documents to the extent allowed by Fed. R. Civ. P. 26 and other applicable law.

Dated: August 14, 2017

Respectfully submitted,

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MUDTECH SERVICES, L.P.**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Defendant MudTech Services, LP's Pretrial Disclosures was served on the following counsel of record via the Court's ECF system on August 14, 2017:

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